

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CALVIN WESLEY,

Plaintiff,

V.

THE CITY OF LYNCHBURG and

LPD OFFICER SETH REED,

Defendants.

Civil Action: 6:24cv00032

ANSWER

Defendant, LPD Officer Seth Reed, by counsel, answers the Complaint as follows:

1. With regard to paragraphs 1-4, Defendant admits that jurisdiction and venue is correct in the Lynchburg Division of the United States District Court for the Western District of Virginia. Defendant denies that this Court has jurisdiction over the state law claims standing alone.

2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 5.

3. Defendant admits the allegations contained in paragraph 6.

4. With regard to paragraph 7, Defendant admits that he was a police officer employed by the Lynchburg Police Department at all times relevant to the allegations contained in the Complaint.

5. Defendant denies the allegations contained in paragraphs 8-87.

6. With regard to the allegations contained in paragraph 8-87, Defendant affirmatively states that he lawfully took Plaintiff into custody, did not violate Plaintiff's

constitutional rights, only used force in response to Plaintiff's resistance, and used the minimum amount of force necessary to take Plaintiff into custody.

7. Defendant denies the allegations contained in paragraphs 88-127.

8. With regard to paragraphs 88-127, Defendant affirmatively states that he lawfully took Plaintiff into custody, did not violate Plaintiff's constitutional rights, only used force necessary in response to Plaintiff's resistance, and used the minimum amount of force to take Plaintiff into custody.

9. Paragraphs 128-135 contain no allegations against Defendant and therefore he is not required to respond to those allegations.

10. Defendant denies the allegations contained in paragraphs 136-169.

11. Paragraphs 170-230 contain no allegations against Defendant and therefore he is not required to respond to those allegations.

12. To the extent the IIED claims contained in paragraphs 231-244 are not dismissed, Defendant denies the allegations contained in those paragraphs.

13. Defendant denies the allegations contained in paragraphs 245-281.

14. Defendant denies all allegations not expressly admitted herein.

15. Defendant denies that he is indebted or liable to the Plaintiff for the amounts or reasons set forth in the Complaint or any other amounts or reasons whatsoever.

16. Defendant is immune from suit or damages by the doctrines of sovereign, governmental, and/or qualified immunity.

OFFICER SETH REED

By: /s/ John R. Fitzgerald
Jim H. Guynn, Jr. (VSB #22299)
John R. Fitzgerald (VSB #98921)
GUYNN WADDELL, P.C.
415 S. College Avenue
Salem, Virginia 24153
Phone: 540-387-2320
Fax: 540-389-2350
Email: jimg@guynnwaddell.com
johnf@guynnwaddell.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

M. Paul Valois
James River Legal Associates
7601 Timberlake Road
Lynchburg, VA 24502
Phone: (434) 845-4529
Fax: (434) 845-8536
Email: mvalois@vbclegal.com
Counsel for Plaintiff

Steven D. McFadgen, Sr.
McFadgen Law, PLC
3831 Old Forest Road, Suite 6
Lynchburg, VA 24501
Phone: (434) 385-4579
FAX: (888) 873-1048
Email: muchmorelaw@gmail.com
Counsel for Plaintiff

/s/ John R. Fitzgerald
Jim H. Guynn, Jr. (VSB #22299)
John R. Fitzgerald (VSB #98921)
GUYNN WADDELL, P.C.
415 S. College Avenue
Salem, Virginia 24153
Phone: 540-387-2320
Fax: 540-389-2350
Email: jimg@guynnwaddell.com
johnf@guynnwaddell.com
Counsel for Defendants